

JUN 29 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 11-90132

ORDER

KOZINSKI, Chief Judge:

Complainant alleges that a bankruptcy judge is biased against him and shows favoritism by doing “the other side’s work for them.” In his original filing and multiple supplements, complainant cites to numerous adverse rulings as evidence. Adverse rulings alone, even many of them, do not prove bias or favoritism. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009). Complainant’s allegations relate directly to the merits of the judge’s rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct Rule 11(c)(1)(B). Any disagreement complainant may have with the judge’s ruling must be raised in an appeal or petition for review by a higher court.

Complainant further alleges that the judge laughed along with opposing counsel when his attorney was speaking, made “gratuitous” and “spiteful”

comments in court and interrupted and yelled at his attorney. The judge's laughter can't be made out on the recordings, but the judge did acknowledge trying "to keep a sense of humor" about the "outlandish positions" complainant's counsel had taken. The judge spoke in a raised voice at times, seemingly out of exasperation with complainant's continual disregard for court orders. Finally, while counsel and the judge did speak over each other a number of times, this is not unusual or improper, and the judge did allow complainant's counsel to finish his argument. These charges must be dismissed because there is no evidence of any misconduct. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.